IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 14641 of 2005

Between:

Nayi Brahman Sangham Kondagattu,

Muthyampet Village, Malya Mandal
Karimnagar District, rep by its President Mr.Rachamalla Narayana,
R/o.Kondagattu, Karimnagar District.

..... PETITIONER

AND

1. The Commissioner of Endowments,

Boggulakunta, Ramkote, Hyderabad.
2. The Executive Officer,

Sri Anjaneya Swamy Devasthanam
Kondagattu, Muthyampet Village,
Malya Mandal, Karimnagar District.
3. Jada Savarala Sangham,

registered No.JNDY/59/75,

Savarala Basthi,
Srinivasanagar, Parsigutta Road,
Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly, one in the nature of writ of

Mandamus declaring the action of the respondents in making all out efforts to render the adjudication in S.L.P. (C) No.12435 of 2005 before the Hon'ble Supreme Court infructuous, by issuing the Tender Notice in Rc.No.C/507/2004, as arbitrary and illegal and motivated by a malafide intention and consequently direct the respondents not to proceed in the matter in pursuance of the Tender Notice in Rc.No.C/507/2004 dt.28.6.2005 without obtaining necessary orders from the Hon'ble Supreme Court.

Counsel for the Petitioner: MR.S.SHARAT KUMAR

Counsel for the Respondent No.1: GP FOR ENDOWMENTS.

The Court, at the stage of admission, made the following:

ORDER:

Petitioner is an association of persons who traditionally pursue the occupation as barbers. They claim a continuing contractual relationship with Sri Anjaneya Swamy Devasthanam, Kondagattu, Muthyampet Village, Malyal Mandal, Karimnagar District, since long for collection of
the human hair offered by devotees at the temple.
On 31-03-2005, the petitioner was granted a licence for collection of human hair on a licence fee of Rs.10,05,000/- per annum, as against a previous licence fee of Rs.6,12,000/- per annum, for a period of two years from
01-04-2005 to 31-03-2007.

Aggrieved by the award of the licence, as above, the third respondent filed a writ petition in this Court being W.P.No.7989 of 2005. A learned Single Judge of this Court disposed of the writ petition directing the Devasthanam to put the leasehold rights for the year 2005- 2006, in respect of human hair collection, to public auction and till then to maintain status-quo. By clear implication, the lease granted in favour of the petitioner was found unsustainable. The petitioner preferred a writ appeal, which was dismissed on 03-05-2005. The petitioner filed an appeal by Special Leave, to the Supreme Court, in which it is claimed, a notice has been issued.

Pursuant to the Judgment of the learned Single Judge in W.P.No.7989 of 2005, the second respondent initiated auction proceedings on 13-05-2005, which however, was not carried to its logical conclusion and no fresh licence was granted. The petitioner was the highest bidder at such auction having offered Rs.10,30,000/-. No licence was however granted to the petitioner. Again the

second respondent notified for fresh auction for grant of licence for collection of human hair at the second respondent-Devasthanam on 28-06-2005.

The core and substantive case of the petitioner is that while the appeal of the petitioner is pending consideration by the Supreme Court and a notice issued on its application for grant of Special Leave, the respondent could not, in all fairness pursue the conduct of conducting an auction for collection of human hair and this writ petition is filed on the said premise seeking a direction to the respondents not to undertake steps pursuant to the notification dated 28-06-2005.

The writ petition is misconceived. The devotees would continue to throng the second respondent-Devasthanam for offering human hair. There should be some agency to collect the human hair. Such agency must be identified and given a licence on the basis of a transparent duly publicized system that ensures equal opportunity to all persons/institutions/agencies who want to participate in the largesse of what is a State contractual opportunity. There is no extant order of any Court interdicting the conduct of public auction by the respondents.

In the circumstances, the petitioner cannot be heard to contend that till his appeal is considered or even for grant of any interim directions by Supreme Court, the official respondents herein should be paralysed from functioning and performing their day-to-day executive business.

On the aforesaid analysis, the writ petition is dismissed.

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07-07-2005.

Lrkm.

To

1. The Commissioner of Endowments,

Boggulakunta, Ramkote, Hyderabad.
2. The Executive Officer,

Sri Anjaneya Swamy Devasthanam
Kondagattu, Muthyampet Village,
Malya Mandal, Karimnagar District.
3. The Government Pleader for Endowments, High Court

Buildings, High Court of A.P., Hyderabad (O.U.T)

4. 2 CD copies.

5 1 CC to MR.SHARAT KUMAR.

*Form-NIC-OGS/WP{**MPL**}*